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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

SCHULTE PROPERTIES LLC,

Debtor.

Case No. 18-12734-mkn

Chapter 11

**AMENDED NOTICE OF HEARING ON
SHELLPOINT MORTGAGE
SERVICING'S MOTION FOR
PROTECTIVE ORDER OR, IN THE
ALTERNATIVE, MOTION FOR
MODIFICAION OF SUBPOENA [FED.
R. CIV. PROC. 26(c); FED R. BANKR.
PROC. 7026; LBR 7037]**

Hearing:

Date: July 28, 2021

Time: 9:30 am

Judge: Honorable Mike K. Nakagawa

Courtroom:2

Pursuant to Federal Rule of Civil Procedure 26(c), adopted by Bankruptcy Rule of Civil Procedure 7026, *Creditor* Shellpoint Mortgage Servicing ("Shellpoint") hereby provides this *Amended Notice of Hearing* on the Motion for Protective Order pursuant to Fed. R. Civ. P. 26(c)

1 and Memorandum of Points and Authorities in support thereof filed on June 11, 2021 at Docket
2 No. 862.

3 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

4 The above captioned hearing on the Motion is scheduled for July 28, 2021 at 9:30am before
5 the Honorable Mike K. Nakagawa at the U.S. Bankruptcy Court for the District of Nevada – Las
6 Vegas Division.

7 **PLEASE TAKE NOTICE** that Creditor Shellpoint Mortgage Servicing (“Shellpoint”)
8 hereby moves this Court pursuant to Federal Rules of Civil Procedure, Rule 26(b)(2)(C)(i) and
9 26(c) adopted by Bankruptcy Rule of Civil Procedure 7026, for a protective order against the
10 Debtor, Schulte Properties, LLC’s (“Debtor”) *Subpoena Duces Tecum* (“Subpoena”), which seeks
11 production of documents from Shellpoint.

12 The Motion is made on the grounds that documents Debtor requests were either: (i) already
13 produced by Shellpoint; (ii) equally available to Debtor; or (iii) objectionable as outlined in
14 Shellpoint’s Responses to the original production requests. To the extent Debtor was dissatisfied
15 with Shellpoint’s Responses to the production requests, Debtor failed to meet and confer regarding
16 the Responses, file a motion to compel seeking additional production, or request a ruling on
17 Shellpoint’s objections to the discovery requests. In the meantime, the discovery period expired.
18 Debtor now seeks the same documents from Shellpoint. Debtor’s continued pursuit of said
19 documents is inappropriate, burdensome, and an abuse of the judicial process.

20 Based on the foregoing, Shellpoint requests the Court issue a protective order preventing
21 Debtor from continuing its pursuit of: (1) documents already produced by Shellpoint; (2)
22 documents already in the Debtor’s possession, or equally available to the Debtor; (3) irrelevant
23 documents that are not the subject of a current contested matter between the Parties; (4) privileged,
24 proprietary, or confidential documents of Shellpoint, which are irrelevant to a contested matter;
25 (5) and any other discovery not based on Shellpoint’s pending Plan Objection.

26 Shellpoint attempted to circumvent the need to file the present Motion by sending a meet
27 and confer letter to Debtor’s counsel. Shellpoint advised Debtor it intended to file the instant
28 Motion for Protective Order absent the withdrawal of the Subpoena. To date, Debtor has yet to

1 withdraw the Subpoena. Based upon the foregoing, Shellpoint had no choice but to seek protection
2 from the Court.

3 This Motion is based on this Notice of Motion and Motion, the Declaration of Eddie R.
4 Jimenez, the accompanying Memorandum of Points and Authorities, and the pleadings and papers
5 on file in this action.

6 **PLEASE ALSO TAKE NOTICE** that the above captioned hearing on the Motion is
7 scheduled for July 28, 2021 at 9:30am before the Honorable Mike K. Nakagawa at the U.S.
8 Bankruptcy Court for the District of Nevada – Las Vegas Division.

9 **PLEASE ALSO TAKE NOTICE** that unless the Court orders otherwise, any party
10 opposing this Motion must file and serve any objections or oppositions no later than fourteen (14)
11 days preceding the hearing date for the Motion in accordance with LR 9014(d). The opposition
12 must set forth all relevant facts and any relevant legal authority. An opposition must be supported
13 by affidavits or declarations that conform to the provisions of LR 9014(c).

14
15 If you object to the relief requested, you *must* file a **WRITTEN** response to this
16 pleading with the court. You *must* also serve your written response on the person who
17 sent you this notice.

18 If you do not file a written response with the court, or if you do not serve your written
19 response on the person who sent you this notice, then:

- 20 • The court may *refuse to allow you to speak* at the scheduled hearing; and
- 21 • The court may *rule against you* without formally calling the matter at the hearing.

22
23 **ALDRIDGE PITE, LLP**

24 Dated: July 1, 2021

/s/ Eddie R. Jimenez

25 EDDIE R. JIMENEZ
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Bankruptcy Case No. 18-12734-mkn
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CERTIFICATE OF SERVICE

I, Lauren Timby declare that:

I am employed by Aldridge Pite, LLP. My business address is: 4375 Jutland Drive, Suite 200; P.O. Box 17933, San Diego, CA 92177-0933. I am over the age of eighteen years and not a party to this cause.

On July 1, 2021, I caused the AMENDED NOTICE OF HEARING ON SHELLPOINT MORTGAGE SERVICING'S MOTION FOR PROTECTIVE ORDER OR, IN THE ALTERNATIVE, MOTION FOR MODIFICATION OF SUBPOENA [FED. R. CIV. PROC. 26(c); FED R. BANKR. PROC. 7026; LBR 7037] to be served on the parties listed herein via electronic means through the Court's CM/ECF system or by placing a copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail, addressed as follows:

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/s/ Lauren Timby